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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,642	10/20/2003	Hideo Sugimoto	P24397	1781
7055	7590	11/28/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			SENGI, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,642

Applicant(s)

SUGIMOTO, HIDEO

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 7 has been canceled.

Response to Arguments

2. Applicant's arguments filed 9/12/2005 have been fully considered but they are not persuasive.

Independent claim 1 has been amended.

Response to remarks:

With respect to claim 1, applicant asserts (Remarks, page 5, lines 8 – 12) the combination of Nakazawa and Takahashi does not disclose at least the claimed “switching control processor that drives a video signal switching processor and a synchronization signal switching processor, and suspends output of video signal for a predetermined period while the switched synchronizing signals are output, the predetermined period being longer than the time required for the synchronizing signal to synchronize with a peripheral device”.

Examiner respectfully disagrees.

The combination of Nakazawa and Takahashi teaches the newly added limitations of “predetermined period being longer than the time required for the synchronizing signal to synchronize with the peripheral device”. For example, Nakazawa teaches a switching control processor and a delay unit for the purpose of synchronizing signal with the peripheral device (see fig. 5, endoscope 1, switch 5, controller 8 and synch signal 6 and delay unit 7, col. 3, lines 47 – col. 4, lines 5). Nakazawa also teaches the period of delay time and/or freeze signal is much longer

than the time required for the synchronization signal (see fig. 6, elements 5-7).

Takahashi teaches in details the switching operation.

For the reasons as explained above, the grounds for rejection of claim 1 in the last Office Action is maintained for the amended claim 1.

Double Patenting

3. Claims 1 – 6 and 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 11 of U.S. Patent No. 6,714,235. The grounds for rejection are the same reason as set forth in the previous Office Action of June 13, 2005.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa (US 5,243,416) in view of Takahashi et al. (US 5,877,802) for the same reasons as set forth in the last Office Action.

(The grounds are restated for Applicant's convenience)

Regarding claims 1, Nakazawa '416 discloses "electronic endoscope selector and the video signal switching" (i.e. fig. 5, endoscopes 1a-1c, and switch 5 and control unit 8), and "a synchronizing signal switching processor that switches synchronizing signals, which are output to the peripheral device, from synchronizing signals fed from

first electronic endoscope to synchronizing signals fed from the second electronic endoscope and the suspend or freeze or delay the output of the video for predetermined time” (i.e. fig. 5, endoscope 1, switch 5, controller 8 and synch signal 6 and delay unit 7, col. 3, lines 47 – col. 4, lines 5) and “the predetermined period being longer than the time required for the synchronizing signal to synchronize” (i.e. numeral (5), (6) and (7) in fig. 6, shows that the period of the delay time and/or freeze signal is much longer than the time required for the synchronization signal).

Nakazawa reference emphasizes switching control processor and delay unit for the purpose of synchronizing signals. But is silence in regards to more explicit details of the switching. However, Takahashi '802, more explicitly (i.e. fig. 2, controller 44, synch circuit 48, signal output controller 56, switch circuit 80 and switch circuit 82, col. 17, lines 55+ and col. 18, lines 33+) teaches details of the switching operation.

Taking the combination teaching of Nakazawa '416 and Takahashi '802 as a whole, it would make the use and control of the switching operation in the video signal switching processor as taught by combination of Nakazawa and Takahashi, obvious to one skilled in the art at the time of the invention was made, which would prevent feeding of undesirable video signal to the peripheral device.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000**,

Or faxed to:

(571) 273-8300


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.M.S.

11/19/2005


YULE
PRIMARY EXAMINER